

Appl. No. 10/803,413
Response to Office Action mailed July 25, 2007

Atty Dkt. No. 114141-017

REMARKS

The non-final Office Action was issued on pending claims 1-21. Claims 1-4, 8, 12 and 15-19 stand rejected and claims 5-7, 9-11, 13, 14, 20 and 21 were withdrawn from consideration. In this Response, claims 4, 17 and 18 have been amended, claims 1-3 and 19-21 have been cancelled without prejudice and no claims have been added. Thus, claims 4-18 are pending in the application of which claims 4, 8, 12 and 15-18 are under consideration and claims 5-7, 9-11, 13 and 14 are withdrawn from consideration.

Applicants invite the Examiner to call Applicants' Representative to discuss any issues with this application.

Claim Objections

At Office Action paragraph 2, claims 17-19 were objected to as being unclear as to whether the claims are independent or dependent claims. The Office Action states that for purposes of examination the claims were considered to be dependent claims.

Claims 17 and 18 have been amended to clarify the claims and claim 19 has been cancelled without prejudice. Claims 17 and 18 have been amended to clearly be dependent claims. Thus, Applicants submit that the claim objections have been overcome.

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Claim Rejections – 35 USC §102

At Office Action paragraph 4, claims 1-3 are rejected under 35 U.S.C. §102(b) as being anticipated by Terada (US 3,731,349). At Office Action paragraph 5, claims 4, 8 and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by Terada. At Office Action paragraph 6, claims 4, 8 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by Takamatsu (US 4,000,545). Applicants respectfully disagree.

As to claims 1-3, claims 1-3 have been cancelled without prejudice. Thus, Applicants submit that the §102 rejection of claims 1-3 should be withdrawn.

As to the §102 rejection of claims 4, 8 and 12 and the §102 rejection of claims 4, 8 and 15, independent claim 4 has been amended to clarify the claim. Claim 4 pertains to a fastener and calls for “first and second stringer tapes 102, 102, each with a row of coupling elements 104 mounted thereon, such that when the fastener 100 is closed, said stringer tapes 102, 102 are connected to each other by means of said coupling elements 104, each row of coupling elements 104 comprising a first area 106 and a second area 107 where the coupling elements 104 on the first and second tapes 102, 102 are engaged when the fastener 100 is closed; and holding means 115 provided in a gap 110 between said first and second areas 106, 107 for holding said tapes 102, 102 together at a predetermined position intermediate said first and second areas 106, 107, the holding means 115 having said first area 106 and second area 107 of the coupling elements 104 formed on its opposed sides, the holding means 115 being released when a force greater than a predetermined value exerted by an impact of an airbag 130 when the airbag 130 is inflated is applied to the holding means 115, to allow or cause the coupling elements 104 within the first and second areas 106, 107 to disengage.” The reference numbers inserted into the claim text are for reference purposes only and are not intended to limit the claims.

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Referring to the example of Applicants' fastener 100 shown in Figs. 1A, 1B and 2, the fastener 100 has a holding means 115 provided in a gap 110 between the first area 106 of coupling elements 104 and the second area 107 of coupling elements 104. The holding means 115 holds the stringer tapes 102, 102 together at a predetermined position intermediate the first and second areas 106, 107. The holding means 115 has the first area 106 and the second area 107 of the coupling elements 104 formed on its opposed sides. The holding means 115 is released when a force greater than a predetermined value exerted by an impact of an airbag 130 when the airbag 130 is inflated and applied to the holding means 115. The coupling elements 105 of the first and second areas 106, 107 are then disengaged. See Applicants' specification at page 10, line 3 – page 11, line 2.

Turning to Terada, Terada pertains to a zip fastener chain. Terada shows in Figs. 1-4 a zip fastener chain F having a pair of stringer tapes T, T. The stringer tapes T, T have a substantially endless length and have along their inner facing longitudinal edges alternate groups of fastener elements E and element-free salvage portions 15. The element-free salvage portions 15 have a spacer 12 which is a water-soluble thin film. See Terada at column 2, lines 5-12 and lines 23-31. The spacer 12 maintains a distance D so that the elements E are sewn stably along the longitudinal edges of the opposed stringer tapes T, T in the fastener chain F. The water-soluble thin film spacer 12 is then easily removed by contact with water after the elements E are sewn. Terada is concerned with providing a continuous length of zip fastener chain to facilitate massive production of zip fasteners.

Conversely, Applicants' fastener, as claimed in claim 4, has a holding means provided in a gap between said first and second areas for holding said tapes together at a predetermined position intermediate said first and second areas, the holding means having said first area and second area of the coupling elements formed on its opposed sides, the holding means being released when a force greater than a predetermined value exerted by an impact of an airbag when the airbag is inflated is applied to the holding means, to allow or cause the coupling elements within the first and second areas to disengage. Applicants respectfully submit Terada does not have this claimed structure. Furthermore, Terada is concerned with mass production of zip fastener chains whereas Applicants' invention pertains to fasteners which disengage the coupling

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elements when the holding means in the gap is subjected to an impact force of an airbag when the airbag is inflated. Nowhere does Terada mention disengagement of the coupling elements when a holding means is subjected to a force from an impact of an inflated airbag.

Turning to Takamatsu, Takamatsu pertains to a slide fastener with an emergency opening means. Takamatsu shows in Fig. 1 a slide fastener having an emergency opening zone A located intermediate both ends of rows of scoops 11 and from which several scoops on each stringer tape 10 are absent. Zones B and C represent the remaining zones of the slide fastener where the scoops 11 interengage in the normal fashion upon movement of an unshown slider in the fastener closing direction. The emergency opening zone A of Takamatsu clearly does not have a holding means provided in a gap between the zones B and C of rows of scoops 11. Furthermore, Takamatsu does not have a holding means being released when a force greater than a predetermined value is exerted by an impact of an airbag when the airbag is inflated to allow or cause the coupling elements in the zones B and C to disengage. The emergency opening zone A of Takamatsu is loose and there is simply no holding means provided in the emergency opening zone A. The Takamatsu emergency opening zone A may be inclined to accidentally open even during normal use circumstances of the slide fastener.

Conversely, Applicants' fastener has holding means provided in a gap between said first and second areas for holding said tapes together at a predetermined position intermediate said first and second areas, the holding means having said first area and second area of the coupling elements formed on its opposed sides, the holding means being released when a force greater than a predetermined value exerted by an impact of an airbag when the airbag is inflated is applied to the holding means, to allow or cause the coupling elements within the first and second areas to disengage.

Therefore, independent claim 4 is allowable over Terada and Takamatsu. The dependent claims are allowable over Terada and Takamatsu at least for the same reasons that independent claim 4 is allowable.

Thus, Applicants submit that the §102 rejections should be withdrawn.

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Claim Rejections – 35 USC §103(a)

At Office Action paragraph 9, claims 4 and 16-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hauer (WO 0035719) in view of Takamatsu. Applicants respectfully disagree.

The Office Action at the bottom of page 5 and the top of page 6 acknowledges that Hauer does not show or suggest holding means for holding said tapes together at a predetermined position intermediate said first and second areas. As to Takamatsu, Applicants refer to the remarks on Takamatsu above regarding the §102 rejection. Applicants submit that Takamatsu also does not have the claimed structure of Applicants' holding means as discussed above.

Therefore, independent claim 4 is allowable over Hauer in view of Takamatsu. The dependent claims are allowable at least for the same reasons that independent claim 4 is allowable.

Thus, Applicants submit that the §103 rejections should be withdrawn.

CONCLUSION

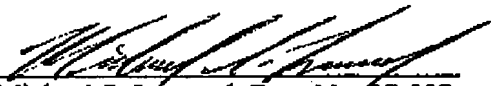
For the foregoing reasons, Applicants submit that the patent application is in condition for allowance and request a Notice of Allowance be issued.

Respectfully submitted,

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Date: October 25, 2007

BY


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